



Legislative Ask #3

KASSA (Keeping All Students Safe Act) / Federal Education Landscape

Protecting Students from the Harm of Seclusion and Restraint



Every child should be safe, protected and prepared to learn while in school. Sadly, that is not always the case.

- The U.S. Civil Rights Data Collection continues to show that more than 100,000 students were restrained at school or placed in seclusion — 78 percent were students with disabilities. Although Black students comprise 15 percent of students, they represent 22 percent of students secluded and 34 percent subjected to mechanical restraint.
- A 2019 report by the GAO found the use of restraint and seclusion in K-12 public schools is more prevalent among students with disabilities and boys of color.

Although some states have laws prohibiting seclusion and limiting restraint, many states have no policy protecting children from these dangerous and sometimes lethal practices. Often, parents are never notified that their child has been placed in seclusion or restrained while at school.

The Keeping All Students Safe Act (KASSA) is needed to:

Prohibit school personnel, including law enforcement from:

- Secluding any child.
- Using mechanical restraint, chemical restraint, prone, supine and physical restraint that restricts breathing or is life threatening.
- Restraining any child, except when necessary, to protect students/staff from imminent danger of serious physical injury.
- Planning to restrain as part of the child's Individualized Education Program (IEP).

Promote school-family communication and support improvements in schools by:

- Establishing new minimum safety standards and policies for states and districts.
- Requiring parental notification when physical restraint occurs.
- Providing private right-of-action to families whose child is unlawfully secluded or restrained, including for declaratory judgement, injunctive relief, compensatory relief, attorneys' fees, or expert fees.
- Requiring states and districts to establish and implement new minimum safety standards and related policies.
- Requiring states to train school personnel so they are equipped to use evidence-based strategies and techniques to address student behaviors.
- Improving school/district capacity to annually collect and analyze data on use of restraint to help improve school climate and culture while protecting student privacy.

Provide funding to states, districts and school personnel for:

- Accessing training in evidence-based practices to support a safe school environment for all.
- Hiring more school counselors or other non-police personnel to address students' behavior and other needs.
- Promoting use of evidence-based programs such as positive-behavior interventions and support and "time out," which separates the student from the class/group in a non-locked, accessible setting.
- Ensuring parents and school personnel meet as needed to address a student's behavior.

Help all communities by:

- Ensuring student and staff safety and wellbeing through use of evidence-based alternatives to restraint and seclusion.
- Requiring training and certification of staff conducting any allowed/required physical restraint.
- Improving monitoring, reporting, and enforcement systems to support all students and school staff.
- Requiring parental notification and follow-up meetings if a physical restraint occurs.
- Increasing transparency, oversight, and enforcement to prevent future abuse and death of students.

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